

REMARKS/ARGUMENTS

This Amendment is filed concurrently with a Request for Continued Examination (RCE) in response to the Final Office Action dated November 10, 2009. As noted above, a Notice of Appeal was filed in the above-referenced application on March 3, 2010. An Appeal Brief was filed on May 3, 2010, and an Amendment to the Appeal Brief was filed on May 14, 2010.

Applicant thanks the Examiner for the courtesies extended during multiple communications between May 14, 2010, and June 22, 2010, as well as the Examiner's indication during these communications that amended Claim 1, as detailed above, is patentable over the references of record, including the references cited in the most recent Final Office Action. Thus, Applicant is filing this RCE and Amendment to withdraw the application from Appeal and reopen prosecution of the application according to MPEP § 1215.01, in accordance with the Examiner's suggestion, as the above amendments place the application in condition for allowance.

Claim 1 recites an electronic label comprising a housing having at least one wall, an electronic display disposed along the wall, and an antenna layer configured to cooperate with the electronic display to transmit information. The antenna layer extends along the wall in such a manner as to constitute a stack with the wall. The antenna layer comprises at least a first antenna head and at least a second antenna head spaced from the first antenna head such that an area, through which the electronic display is viewable, is at least partially defined in the antenna layer between the first and second antenna heads. Claim 1 further recites that the display includes metal disposed between the first antenna head and the second antenna head such that the first antenna head, the second antenna head, and the display are capable of acting as a capacitor. In addition, the wall includes the display and the antenna extends on the face of the wall around the display.

As amended, Claim 1 further recites that the first antenna head and the second antenna head are connected to each other via an electrical bridge in the antenna layer, the electrical bridge extending between the first and second antenna heads, and that the first antenna head, the second antenna head, and the electrical bridge are connected to an electronic circuit within the

housing via a flat cable. Support for this amendment can be found throughout the specification, for example in Fig. 3 and on pg. 6, lines 9–16; and pg. 7, lines 1–6.

In view of the amendments to Claim 1, Claims 27–29 have been canceled and Claims 28, 30, and 36 have been amended. Furthermore, Claims 37–39 have been added to the application as new claims. The addition of Claims 37–39 does not introduce any new matter to the application. New Claim 37 finds support, for example, on page 8, lines 16–23. New Claims 38 and 39 find support, for example, in Fig. 4 and on page 8, lines 7–23.

None of the references cited in the Final Office Action or the previous Office Actions teach or suggest each and every element of amended Claim 1. Claims 18–21, 24, 28–30, and 36–39 depend from Claim 1 and thus incorporate all of the elements of Claim 1. Therefore, Claim 1 and all of the claims that depend therefrom are patentable.

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CONCLUSION

In view of the remarks presented above, it is respectfully submitted that independent Claim 1 and all the claims depending therefrom (*i.e.*, Claims 18–21, 24, 28–30, and 36–39) are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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